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Technology Center 2100

Paper No. 5

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In re Application of : John L. Howes
Application No. 09/543,764
Filed: April 5, 2000
For: CONTAINERIZED LIQUID
COATING PRODUCT DIRECT
SUPPLY BUSINESS METHOD

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the request for reconsideration, filed December 7, 2000, responsive to the decision mailed October 24, 2000 concerning the petition of April 5, 2000 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special ↙

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

The decision mailed October 24, 2000 stated that applicant's submission was deficient in that it did not indicate that Applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention and that it did not provide a copy of each reference deemed most closely related to the claimed subject matter. Applicant's request for reconsideration of December 7, 2000 includes the statement regarding election without traverse and is accompanied by the necessary references.

Therefore, applicant's submission meets all the criteria set forth above and the petition is **GRANTED**.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.



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